
SENATE BILL No. 196

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-29; IC 4-35.

Synopsis: Gaming on Indian lands. Prohibits the state from entering into a tribal-state compact to allow gaming on Indian lands unless: (1) the voters of the county in which the Indian lands are located have approved gaming on Indian lands in the county; and (2) the general assembly has authorized the tribal-state compact. Prohibits land based casinos except for land based casinos located on Indian lands under a tribal-state compact authorized by the general assembly in a county where gaming on Indian lands has been approved by the county's voters. Establishes procedures for the placement of a public question concerning gaming on Indian lands on a county election ballot. Requires the department of commerce to assess the economic development needs of an Indian tribe and communities surrounding Indian lands and to provide economic development assistance.

Effective: Upon passage.

Riegsecker

January 7, 2002, read first time and referred to Committee on Rules and Legislative Procedure.

C
o
p
y



Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 196

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-29 IS ADDED TO THE INDIANA CODE AS A
2 **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON**
3 **PASSAGE]:**

4 **ARTICLE 29. PROHIBITION AGAINST LAND BASED**
5 **CASINO GAMBLING**

6 **Chapter 1. Applicability**

7 **Sec. 1. This article does not apply to a riverboat licensed under**
8 **IC 4-33.**

9 **Sec. 2. This article does not apply to a charity game night as**
10 **defined in IC 4-32-6-11.**

11 **Chapter 2. Definitions**

12 **Sec. 1. The definitions in this chapter apply throughout this**
13 **article.**

14 **Sec. 2. "Indian lands" has the meaning set forth in 25 U.S.C.**
15 **2703(4).**

16 **Sec. 3. "Land based casino" means a location where a gambling**
17 **game (as defined in IC 4-33-2-9) is conducted.**

2002

IN 196—LS 6761/DI 101+



C
o
p
y

1 **Sec. 4. "Tribal-state compact" means a compact under 25**
 2 **U.S.C. 2701 et seq. between an Indian tribe and the state to allow**
 3 **gaming on Indian lands.**

4 **Chapter 3. Land Based Casino Ban**

5 **Sec. 1. (a) This section does not apply to a land based casino that**
 6 **is:**

7 **(1) located on Indian lands in a county in which the voters of**
 8 **the county have approved gaming on Indian lands within the**
 9 **county under section 2 of this chapter; and**

10 **(2) authorized by a tribal-state compact approved by the**
 11 **general assembly under section 3 of this chapter.**

12 **(b) Land based casinos are prohibited as against public policy.**

13 **Sec. 2. (a) If:**

14 **(1) the county fiscal body of a county in which Indian lands**
 15 **are located adopts an ordinance to allow gaming on Indian**
 16 **lands within the county; or**

17 **(2) at least the number of registered voters of the county**
 18 **required under IC 3-8-6-3 for a petition to place a candidate**
 19 **on the ballot sign a petition submitted to the circuit court**
 20 **clerk requesting that a local public question concerning**
 21 **gaming on Indian lands within the county be placed on the**
 22 **ballot;**

23 **the county election board shall place a question concerning gaming**
 24 **on Indian lands within the county on the ballot in the county**
 25 **during the next general election.**

26 **(b) A public question under this section shall be placed on the**
 27 **ballot in accordance with IC 3-10-9 and must be certified in**
 28 **accordance with IC 3-10-9-3. The public question shall be placed**
 29 **on the ballot in substantially the following form:**

30 **"Shall gaming be allowed on Indian lands in ____ County?".**

31 **(c) The clerk of the circuit court of a county holding an election**
 32 **under this section shall certify the results determined under**
 33 **IC 3-12-4-9 to the office of the governor.**

34 **(d) If a public question under this section is placed on the ballot**
 35 **in a county and the voters of the county do not vote in favor of**
 36 **allowing gaming on Indian lands within the county, a second public**
 37 **question under this section may not be held in that county for at**
 38 **least two (2) years. If the voters of the county vote to reject gaming**
 39 **on Indian lands within the county a second time, a third or**
 40 **subsequent public question under this section may not be held in**
 41 **that county until the general election held during the tenth year**
 42 **following the year that the previous public question was placed on**

C
o
p
y



the ballot.

Sec. 3. (a) The state may not enter into a tribal-state compact to allow gaming on Indian lands unless:

(1) the voters of the county in which the Indian lands are located have approved gaming on Indian lands within the county under section 2 of this chapter; and

(2) the general assembly has authorized the tribal-state compact under this section.

(b) After negotiations for a tribal-state compact are completed, the compact shall be submitted to the general assembly for approval.

(c) A tribal-state compact is effective only after it has been enacted into law by the general assembly and signed by the governor.

SECTION 2. IC 4-35 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 35. ECONOMIC DEVELOPMENT ON INDIAN LAND

Chapter 1. Applicability

Sec. 1. This article applies if the United States Secretary of the Interior acquires in trust for the benefit of an Indian tribe land located in Indiana.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Department" refers to the department of commerce.

Sec. 3. "Indian lands" has the meaning set forth in 25 U.S.C. 2703(4).

Chapter 3. Economic Development Assessments

Sec. 1. The department shall assess the economic development needs of an Indian tribe and the communities surrounding Indian lands.

Sec. 2. The department may contract with any individual or entity to perform the assessment required under section 1 of this chapter.

Sec. 3. The assessment must include a list of potential economic development projects that meet the needs of the tribe and the surrounding communities. The list must identify potential funding sources for the proposed projects.

Sec. 4. (a) The department shall host and moderate meetings between the tribe, local governments, and individuals from the



1 surrounding communities invited by the department.

2 (b) The purpose of the meetings described in subsection (a) is to
3 identify the economic development projects preferred by the tribe
4 and the surrounding communities.

5 Sec. 5. The department shall assist the tribe in developing a plan
6 to fund and implement the projects identified in section 4 of this
7 chapter.

8 Sec. 6. (a) The executive director of the department shall
9 appoint an individual to serve as a liaison to the tribe. The liaison
10 shall coordinate the department's efforts to assist the tribe's
11 implementation of the economic development plan described in
12 section 5 of this chapter.

13 (b) The liaison shall assist the tribe or an entity locating on
14 Indian lands in obtaining any economic development assistance
15 provided by the state.

16 SECTION 3. An emergency is declared for this act.

C
o
p
y

